

# COASTAL CONSERVANCY

Staff Recommendation

May 26, 2016

## CORTE MADERA MARSH RESTORATION PLANNING

Project No. 15-006-02

Project Manager: Laura Cholodenko

**RECOMMENDED ACTION:** Authorization to disburse up to \$68,250 of U.S. Fish and Wildlife Service grant funds to Marin Audubon Society to prepare environmental analyses, designs and other information needed for permit applications for restoration of a 5.2-acre site adjoining the Corte Madera Marsh Ecological Reserve in Marin County.

**LOCATION:** East of the terminus of Industrial Way in Corte Madera, Marin County (Exhibit 1)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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### **EXHIBITS**

Exhibit 1: [Project Location](#)

Exhibit 2: [Project Photographs](#)

Exhibit 3: [Project Letters](#)

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### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed sixty eight thousand two hundred fifty dollars (\$68,250) to Marin Audubon Society (MAS) to prepare environmental analyses, designs and other information needed for permit applications for the restoration of a 5.2-acre property surrounded by the Corte Madera Marsh Ecological Reserve in Marin County. This authorization is subject to the condition that prior to the disbursement of Conservancy funds, MAS shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer) a final work program, schedule, budget, and names of any project contractors.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding San Francisco Bay Area Conservancy Program.
  2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
  3. The Marin Audubon Society is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”
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### PROJECT SUMMARY:

Staff recommends the disbursement of \$68,250 of United States Fish and Wildlife Service (USFWS) National Coastal Wetlands Conservation Program grant funds to Marin Audubon Society (MAS) to plan for the restoration of a 5.2 acre site of filled historic tidelands surrounded by the Corte Madera Marsh Ecological Reserve (Reserve) in Marin County. MAS’s goal is to restore the site to tidal marsh and transitional upland habitat. Restoring the site will benefit the endangered Ridgway’s rail as well as other special status species, fish, migratory waterfowl, and shorebirds that depend on the Reserve’s habitats. Conservancy funding will support the preparation of restoration designs, environmental analyses and documentation necessary to comply with the California Environmental Quality Act (CEQA) and National Environmental Policy Act, and information needed for permit applications.

The entire project site is former tidal marsh that was filled for development over the last 40 years, leaving the property several feet higher than the adjacent Reserve. People currently use the property as a connection between a north-south levee trail and an unauthorized path on the Reserve’s high marsh, resulting in trampling of marsh vegetation and wildlife disturbance.

MAS anticipates that approximately 2.5 acres of the site will be restored to tidal marsh and the remaining portion to upland transitional habitat. MAS also anticipates that the restoration plans will include a new public path and viewing area on the property where people can view the marsh and its wildlife without impacting those resources. Following restoration, MAS intends to donate the property to the California Department of Fish and Wildlife (CDFW) for inclusion in the Reserve.

A railroad right-of-way currently owned by Sonoma-Marín Area Rail Transit (SMART) is located along the property’s western boundary between the terminus of a public road (Industrial Way) and the property. MAS has entered into a license agreement with SMART that enables MAS to cross the SMART right of way for up to 10 years, with the possibility of a time extension, for purposes of restoration and maintenance of the project site. The license agreement does not authorize public access across the railroad right-of-way; however, the County of Marin is planning a pedestrian and bicycle path within the SMART right-of-way which would provide public access to the property. In the future, this trail may be dedicated as a segment of the Bay Trail and is estimated to be complete by 2020.

The project will facilitate enhancement and restoration of habitat for the endangered Ridgway’s rail and other species, provide high tide refugia, and eliminate current land uses that are

degrading and destroying habitat for rails and other wildlife. The San Francisco Estuary is the largest estuary on the west coast of the continent, is a major migration refueling stop and overwintering habitat for migratory waterfowl and shorebirds of the Pacific Flyway, and is the only remaining habitat for the resident endangered Ridgway's rail. Given that an estimated 85-90 percent of the historic tidal marshes in the San Francisco Estuary have been filled or significantly altered over the past two centuries, it is critical to protect and restore former tidelands that can still be easily restored, particularly those that are adjacent to extant marshes that are managed for wildlife.

Marin Audubon Society has been working to restore Marin County's coastal wetlands since 1956 through advocacy and partnering with local, state, and federal agencies, and local nonprofit organizations. MAS partnered with the Conservancy in 2002–2008 to successfully protect and restore hundreds of acres of tidal wetlands, riparian, and adjacent upland habitat in the Bahia site in Novato, Marin County.

**Site Description:** Currently, the project site consists of uplands dominated by non-native weedy species. The parcel is not actively managed, and is utilized in ways that disturb wildlife and degrade habitat on the adjacent Reserve. Photographs of the project site are included as Exhibit 2.

The project site is surrounded on three sides by the approximately 300-acre Corte Madera Marsh Ecological Reserve. The 95-acre ancient Heerdt Marsh (Exhibit 1, Figure 2), one of just a few tidal marshes in the estuary that has never been diked, abuts the project site on the south. On the east and north boundaries are five acres of ruderal lands that were filled along with the project site over 40 years ago. The Heerdt tidal marsh surrounds the filled lands of the Reserve and the project site. Tidal waters have been gradually extending back into the filled area of the Reserve as a result of subsidence and sea level rise, and have now converted some filled upland into high marsh. An unauthorized trail extends through this high marsh. These tidal and non-tidal habitats comprise the 100-acre northern section of the Reserve.

The Reserve extends along the entire western edge of Corte Madera Bay, from Corte Madera Creek on the north to San Clemente Creek at the south end, and includes some intertidal parcels. Approximately 200-acres of the Reserve to the south of project site is the Muzzi Marsh which consists of tidal marsh that was diked and restored approximately 25 years ago. Further southeast is Triangle Marsh and adjacent tidelands owned by MAS. See Exhibit 1, Figure 2.

**Project History:** The Conservancy provided MAS with \$400,000 for acquisition of the project site in June 2015. The Conservancy also provided MAS with funding for acquisition of the 33-acre Triangle Marsh property in 2000 and for the restoration and expansion of existing tidal marsh and transitional habitat at the Triangle Marsh site in 2004. The Triangle Marsh site is located at the south end of Corte Madera Bay.

The Conservancy has also implemented a San Francisco Bay Living Shorelines Project in the subtidal areas offshore of the Corte Madera shoreline, near Muzzi Marsh and the Corte Madera Ecological Reserve.

## PROJECT FINANCING

Coastal Conservancy

\$68,250

**Marin Audubon Society**

**\$9,000**

**Project Total**

**\$77,250**

The USFWS has awarded \$622,000 to the Conservancy through the National Coastal Wetlands Conservation Grant Program for restoration of the project site, including both planning and construction. Of that total amount, \$68,250 will be disbursed to MAS for the proposed planning project and \$30,000 would pay for Conservancy staff costs associated with administering the project. The remaining amount will be made available for construction, contingent on compliance with the National Environmental Policy Act and California Environmental Quality Act (CEQA).

MAS is contributing \$9,000 toward the project, which includes funds for a formal wetland delineation of the site and preparation of CEQA documentation. MAS and its members will also make significant in-kind contributions towards the project including time spent on project management, preparation of CEQA documentation, development and review of permit applications, and other project coordination.

#### **CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, which authorizes the Conservancy to award grants in the nine-county San Francisco Bay Area to help achieve stated goals.

Consistent with Section 31162(b), the proposed project will help “to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance.” The project will support development of designs and permit applications that are necessary for restoration of the site to proceed. MAS intends to restore the site to tidal marsh and transitional upland habitat that is integrated with the adjacent Reserve habitats. The restored habitat will benefit the endangered Ridgway’s rail and other special status species, fish, migratory waterfowl, and shorebirds that depend on the Reserve’s habitats.

Furthermore, under Section 31162(d), the Conservancy may “promote, assist, and enhance projects that provide open space and natural areas that are accessible to urban populations for recreational and educational purposes.” MAS will include a public access component with its restoration plans, providing people with a view of the marsh without impacting the habitats. This property is easily accessed by residents of Marin and several other Bay Area counties.

Consistent with Section 31163(c), the project is 1) supported by adopted regional plans, including the Corte Madera Baylands Conceptual Sea Level Rise Adaptation Strategy, San Francisco Bay Plan, San Francisco Estuary Comprehensive Conservation and Management Plan, San Francisco Baylands Ecosystem Habitat Goals Report, and the U.S. Fish and Wildlife Service’s Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California; 2) is regionally significant in terms of the tidal marsh habitat restoration potential; 3) can be implemented in a timely way as the funding for the restoration has been secured; 4) provides an opportunity to restore a significant property that could be lost if grant funding is not used; and 5) is supported almost entirely by U.S. Fish and Wildlife Service funds.

**CONSISTENCY WITH CONSERVANCY'S 2013  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective 11C**, the project will develop design plans for restoration of tidal wetlands and transitional upland habitat.

Consistent with **Goal 12, Objective 12A**, the project will develop plans for a recreational trail on the property.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** The proposed acquisition project serves to promote and implement several state plans and policies, including:
  - *The Baylands and Climate Change, What Can We Do* (Baylands Ecosystem Habitat Goals Science Update, State Coastal Conservancy, 2015). The report recommends the restoration and enhancement of tidal marsh and transitional habitat as soon as possible in San Francisco Bay, which will help marshes keep pace with rising sea levels. This project will enable MAS to proceed with the restoration and enhancement of tidal marsh and transitional habitat at the site.
  - *San Francisco Estuary Comprehensive Conservation and Management Plan* (CCMP, approved by the Governor and U.S. EPA Administrator in 1993, updated in 2007). Restoration of the project site will carry out objectives and actions identified in the CCMP to protect, create, and restore habitat critical for special status wildlife, specifically through acquisition, permanent protection, enhancement and restoration of marsh and transitional upland habitat.
  - *Corte Madera Baylands Conceptual Sea Level Rise Adaptation Strategy* (San Francisco Bay Conservation and Development Commission, 2013). Restoration of the site will further two of the plan's recommended management measures for sea level rise adaptation: improve sediment pathways, and increase the transition zone.
4. **Support of the public:** As shown in the letters attached as Exhibit 3, the project is supported by Congressman Jared Huffman, State Senator Mike McGuire, State Assemblymember Marc Levine, and the County of Marin Department of Public Works.

5. **Location:** The project is located in Marin County, within the jurisdiction of the nine-county San Francisco Bay Area Conservancy Program.
6. **Need:** The project will not occur without Conservancy support because no other funding has been raised to support restoration of the property.
7. **Greater-than-local interest:** Restoration of this property to tidal marsh and creation of high tide refugia/transition zone habitat will greatly benefit the marsh ecosystem, endangered Ridgway's rails, and other resident and migratory species.
8. **Sea level rise vulnerability:** The gradual transition zone slope that will be created at the site will allow tidal marsh to migrate landward as sea level rises.

#### **Additional Criteria**

9. **Leverage:** See the "Project Financing" section above.
10. **Readiness:** MAS is prepared to proceed with planning upon project approval. If the Conservancy approves the proposed project, MAS will be ready to complete the permitting and design by spring 2017.
11. **Realization of prior Conservancy goals:** See "Project History" above.
12. **Cooperation:** The project is part of the Campaign for Marin Baylands initiated by MAS with its partner, Marin Baylands Advocates (MBA), in the late 1980s. This particular project is moving forward with the cooperation of several community groups, and local, state, and federal agencies.

#### **CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The San Francisco Bay Conservation and Development Commission prepared the San Francisco Bay Plan to guide the future protection and use of San Francisco Bay and its shoreline. The Bay Plan states that, "[w]here feasible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging, and breeding habitat for fish, other aquatic organisms and wildlife." Part III - The Bay as a Resource: Findings and Policies, Tidal Marshes and Tidal Flats, Policy 4, amended October 2011. The proposed project will allow MAS to initiate future restoration consistent with this policy as well as with many additional standing and amended policies of the Bay Plan.

#### **COMPLIANCE WITH CEQA:**

The project involves planning for possible future restoration of tidal marsh in the Corte Madera watershed that the Conservancy has not approved, adopted, or funded; thus the project is statutorily exempt from the requirement to prepare an EIR or negative declaration under CEQA pursuant to 14 California Code of Regulations (CCR) Section 15262, which exempts the preparation of planning and feasibility studies for possible future actions that have not yet been approved or funded.

Part of the project consists of basic data collection and resource evaluation activities, including those necessary for finalizing environmental review documents. These information-collecting

activities will be designed and implemented in a manner that will not result in a serious or major disturbance to an environmental resource and are thus categorically exempt from CEQA review, under CCR Section 15306, which exempts basic data collection, research and resource evaluation activities.

Upon approval, staff will file a Notice of Exemption for the proposed project.